

Exhibit 23

Borrower Trust Letter Opposing Motion for Default Judgment

MORRISON | FOERSTER

1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-0050

TELEPHONE: 212.468.8000
FACSIMILE: 212.468.7900

WWW.MOFO.COM

MORRISON & FOERSTER LLP

NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SACRAMENTO, SAN DIEGO,
DENVER, NORTHERN VIRGINIA,
WASHINGTON, D.C.

TOKYO, LONDON, BERLIN, BRUSSELS,
BEIJING, SHANGHAI, HONG KONG,
SINGAPORE

July 3, 2014

Writer's Direct Contact
+1 (212)506.7341
NRosenbaum@mofo.com

Hon. George B. Daniels
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Francine Silver v. The ResCap Borrower Claims Trust, No. 14-cv-03630
(GBD)

To The Honorable George B. Daniels, U.S.D.J.:

The ResCap Borrower Claims Trust (the "Borrower Trust") submits this letter in response to the *Motion for Default Judgment* [Docket No. 9] (the "Motion") filed by Francine Silver in the above-captioned case on June 19, 2014. In the Motion, Ms. Silver improperly asserts that the Debtors¹ failed to timely respond to Ms. Silver's memorandum of law in support of her appeal to the district court. As described below, appellant is mistaken and has failed to take into consideration the express scheduling order entered by this Court.

On May 23, 2014, following the docketing of the appeal, this Court entered a scheduling order [Docket No. 5] (the "Scheduling Order"), attached hereto as Annex 1, setting deadlines by which Ms. Silver and the Borrower Trust were required to submit their respective memoranda of law regarding Ms. Silver's appeal of the decision of the U.S. Bankruptcy Court. The Scheduling Order provides, in pertinent part, that the Borrower Claims Trust, as the appellee, has until **November 6, 2014** to submit its opposition to Ms. Silver's memorandum of law in support of her appeal. Accordingly, the Borrower Trust did not have any obligation to file responsive papers by June 16, 2014 as Ms. Silver contends in the Motion.

¹ Under the Chapter 11 plan confirmed in the Chapter 11 cases, the Borrower Trust is the successor in interest to the Debtors with respect to borrower claims.

MORRISON | FOERSTER

Hon. George B. Daniels
July 3, 2014
Page Two

Accordingly, the Borrower Trust has not missed any filing deadlines, and the Motion should be denied.

Respectfully Submitted,

/s/ Norman S. Rosenbaum
Norman S. Rosenbaum

Cc: Francine Silver (via overnight mail)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re

Residential Capital, LLC

Debtor

Residential Capital, LLC

Appellant

Francine Silver ,

Appellant,

-against-

ResCap Borrower Claims Trust Appellee,

Appellant,

-----X
GEORGE B. DANIELS, District Court Judge:

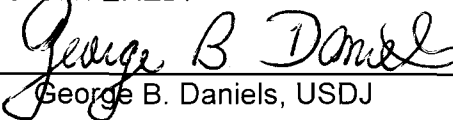
An appeal of an Order of the Bankruptcy Court of the Southern District of New York having been filed and both appellant and appellee having submitted their designation of record on appeal, it is hereby,

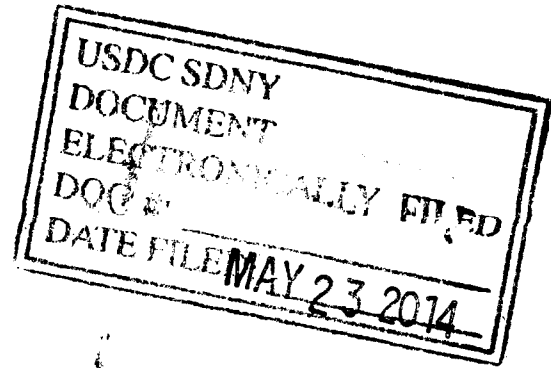
ORDERED, that appellant's memorandum of law in support of its appeal shall be submitted by August 7, 2014 appellees' opposition shall be submitted by November 6, 2014, and appellant's reply shall be submitted by February 5, 2015

IT IS FURTHER ORDERED that when filing any papers with the Court, the parties shall provide one courtesy copy to United States Courthouse, 40 Centre Street, Rm 410, New York, New York 10007.

Dated: New York, New York
May 22, 2014

SO ORDERED:


George B. Daniels, USDJ



14cv3630(GBD)
SCHEDULING ORDER